United Nations ST/AI/1999/16

Secretariat

28 December 1999

Administrative instruction

Termination of appointment for reasons of health*

The Under-Secretary-General for Management, pursuant to section 4.2 of Secretary-General's bulletin ST/SGB/1997/1 and for the purpose of implementing staff regulation 9.1 (a) and (b), hereby promulgates the following:

Section 1
Definition

For the purposes of the present administrative instruction and in accordance with article 33 (a) of the Regulations of the United Nations Joint Staff Pension Fund (UNJSPF), "incapacity" shall mean "incapacity for further service reasonably compatible with a staff member's abilities, due to injury or illness constituting an impairment to health which is likely to be permanent or of long duration".

Section 2
Conditions for termination for reasons of health

For a staff member's appointment to be terminated for reasons of health under staff regulation 9.1 (a) or (b), the staff member's incapacity must be established by conclusive medical evidence that results in the award of a disability benefit under the UNJSPF Regulations.

Section 3
Procedure

3.1 When a staff member has used all his or her entitlement to sick leave with full pay, the executive or local personnel office shall bring the situation to the attention of the Medical Director or designated medical officer in order to determine whether the staff member should be considered for a disability benefit under article 33 (a) of the UNJSPF Regulations, while the staff member is on sick leave with half pay.

3.2 If the medical conclusion is that the staff member's illness or injury constitutes an impairment to health which is likely to be permanent or of long duration, the Medical Director or designated medical officer shall so advise the relevant human resources officer at Headquarters or the local personnel office for notification to the staff member or, where appropriate, to a member of the staff member's family. If the staff member disagrees with the medical conclusion, he or she may request a review of the matter by an independent medical practitioner or a medical board. The independent medical practitioner or medical board shall be selected in the same manner as provided in staff rule 106.2 (j) or (k), as appropriate, for review of decisions on sick leave.

3.3 Where the conclusion by the Medical Director or designated medical officer is either not contested by the staff member or is confirmed by the independent medical practitioner or medical board selected to review the matter, the relevant human resources officer at Headquarters or the local personnel office shall submit as soon as possible a request to the United Nations Staff Pension Committee ("the Committee") for the award to the staff member of a disability benefit. This request shall be in the form set out in the annex to the present instruction.

3.4 The Committee will determine whether the staff member is incapacitated within the meaning of article 33 (a)

* *Personnel Manual* index No. 9030.

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of the UNJSPF Regulations and, if a positive determination is made, will award a disability benefit. The secretariat of the Pension Fund will notify the relevant human resources officer at Headquarters or the local personnel office and the staff member of the Committee's decision.

3.5 If the Committee has decided to award a disability benefit, a recommendation for the termination of the staff member's appointment for reasons of health under staff regulation 9.1 (a) or (b), as appropriate, shall be submitted as expeditiously as possible by the relevant human resources officer at Headquarters or the local personnel office for approval by the Assistant Secretary-General for Human Resources Management on behalf of the Secretary-General.

Section 4
Delay in determination

If the staff member's sick leave entitlement (at both full pay and half pay) and annual leave entitlement are exhausted because of delay in the medical determination of incapacity or in the Committee's decision, the staff member shall be placed on special leave with half pay in accordance with section 8.2 of ST/AI/1999/12 on family leave, sick leave and maternity leave, until the date of the Committee's decision.

Section 5
Notice and effective date of termination

Following approval of the termination of the staff member's appointment, the Office of Human Resources Management shall issue to the staff member the appropriate notice of termination under staff rule 109.3, 209.4 or 309.3. Separation from service shall take effect as of the date established in the notice of termination. Such date shall be determined as follows:

(a) If on the date of notice the staff member has a balance of sick leave that exceeds the period of notice prescribed in staff rule 109.3, 209.4 or 309.3, as appropriate, the effective date of separation will be the date on which the staff member will exhaust all his or her sick leave entitlements;

(b) If on the date of notice the staff member has a balance of sick leave that is less than the period of notice, the separation date will be the same as in subparagraph (a) above, but the notice will advise the staff member that compensation in lieu of notice will be paid to the extent that the balance of sick leave falls short of the period of notice;

(c) If on the date of notice the staff member has already exhausted all his or her sick leave entitlements and has been placed on special leave with half pay under section 4 of the present instruction, the separation will be effective on the date the notice is given. In this case, the notice will advise the staff member that compensation will be paid for the full period of notice.

Section 6
Final provision

The present administrative instruction shall enter into force on 1 January 2000.

(*Signed*) Joseph E. **Connor**
Under-Secretary-General for Management

Annex

Request for the Award of a Disability Benefit under article 33 of the UNJSPF Regulations*

To: Secretary, United Nations Staff Pension Committee

From: _____
(Name, title and signature of Requesting Officer)

_____
Organization/Department

Date: _____

Name of staff member:	
Home address:	
Date of employment (EOD date): (dd/mm/yyyy)	
Functional Title:	
Organization:	Duty Station:

Current status (Please check appropriate box and indicate effective date if applicable)

☐ On regular duty	☐ On sick leave	☐ On annual leave	☐ On special leave
☐ On light duty – Effective date: (dd/mm/yyyy)			
☐ On part-time duty: hours worked per day – Effective date: (dd/mm/yyyy)			

Record of sick leave and special leave taken (Please indicate actual or approximate dates)

☐ Sick leave on full pay	from:	to:
☐ Sick leave on half pay	from:	to:
☐ Estimated date of exhaustion of entitlements to sick leave on full pay and sick leave on half pay:		
☐ Estimated date of exhaustion of entitlement to annual leave:		
☐ Special leave on half pay	from:	to:

* Form to be used to request the United Nations Staff Pension Committee, in accordance with section 3.3 of ST/AI/1999/16, for award of disability benefit under article 33 of the Regulations of the United Nations Joint Staff Pension Fund. A copy of the report from the Medical Director on which this presentation is based should be attached, where practicable, in a sealed envelope marked "Confidential".

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United Nations ST/AI/1999/17

Secretariat

23 December 1999

Administrative instruction

Special post allowance*

The Under-Secretary-General for Management, pursuant to section 4.2 of Secretary-General's bulletin ST/SGB/1997/1, promulgates the following to implement staff rule 103.11 and paragraph 10 of section III.B of General Assembly resolution 51/226:

Section 1
Scope and definitions

Scope

1.1 The present instruction shall apply to staff members of the Secretariat appointed under the 100 series of the Staff Rules for one year or longer, with the following exceptions:

(a) Staff members successful in a competitive examination for placement and promotion to posts requiring specific language skills shall be granted a special post allowance (SPA) during the trial period, in accordance with the provisions governing such examinations;

(b) For mission staff, the requirements of the present instruction shall be adjusted to reflect the special characteristics of mission posts as well as the administrative structures of established and special missions, respectively. These adjustments will be set out in an administrative instruction.

Definitions

1.2 For the purposes of the present instruction, the following definitions shall apply:

(a) "Temporarily vacant post" shall refer to a post which is blocked for a staff member on mission detail, special leave, secondment, temporary assignment or loan, who was previously selected for the post under established recruitment or placement and promotion procedures;

(b) "Vacant post" shall refer to a post approved for one year or longer which is not blocked for the return of a staff member under the conditions set out in subsection 1.2 (a) above and is to be filled under established procedures for recruitment or placement and promotion.

* *Personnel Manual* index No. 3260.

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Section 2
General provisions

2.1 Under staff rule 103.11, staff members are expected to assume temporarily, as a normal part of their customary work and without extra compensation, the duties and responsibilities of higher-level posts. Nevertheless, payment of a non-pensionable SPA is authorized by the same rule in exceptional cases when a staff member is called upon to assume the full duties and responsibilities of a post which is clearly recognizable at a higher level than his or her own for a temporary period exceeding three months.

2.2 Payment of an SPA is a discretionary grant, for which staff members may be considered when the conditions set out in staff rule 103.11 and section 4 below are met. Consideration for granting an SPA shall be given in accordance with the procedures set out in section 5 below.

2.3 An SPA may only be granted to one level higher than the personal level of the staff member assigned to higher-level functions in his or her own category, whether the higher-level functions are one or several levels higher than the personal level of the staff member. Staff in the General Service and related categories temporarily placed against a post at the Professional level may receive an SPA to the P-1 or P-2 level, in accordance with the provisions of section 10 below.

Section 3
Temporary assignments

Temporary assignments to temporarily vacant posts

3.1 Temporary assignment to a post that is temporarily vacant shall be made in accordance with section 2.4 of ST/AI/1999/8 on the placement and promotion system, and section 2.2 of ST/AI/1999/9 on special measures for the achievement of gender equality, which require that the department or office concerned inform its staff of temporary vacancies expected to last for three months or longer so as to give staff members the opportunity to express their interest in being considered.

Temporary assignments to vacant posts

3.2 In addition to the requirements set out in section 3.1 above and in order to implement paragraph 10 of section III.B of General Assembly resolution 51/226, in which the Assembly requests the Secretary-General "to take effective measures to prevent the placement of staff members against higher-level unencumbered posts for periods longer than three months", temporary assignments to vacant posts shall require that the department or office concerned has already initiated the proper procedures for filling the post on a permanent basis. This may be demonstrated by requesting:

(a) Issuance of a vacancy announcement for the vacant post, unless the requirement of such issuance has been waived in accordance with section 3.4 of ST/AI/1999/8;

or:

(b) Classification of the post, where this is a precondition for issuing a vacancy announcement in accordance with section 3.2 of ST/AI/1999/8;

or:

(c) Filling of the vacant post through the competitive examination process, where applicable.

The purpose of the present requirement is to ensure that assignments to higher-level vacant posts, as well as any SPAs granted on that basis, are limited to cases where vacant posts cannot be filled within three months under the established procedures for recruitment or placement and promotion, and where successful programme delivery requires temporary assignment to vacant posts for longer than three months.

Section 4
Eligibility

Staff members who have been temporarily assigned to the functions of a higher-level post in accordance with the provisions of section 3 above shall be eligible to be considered for an SPA when they meet all of the following conditions:

(a) They have at least one year of continuous service under the 100 series of the Staff Rules;

(b) They have discharged for a period exceeding three months the full functions of a post which has been (i) classified, and (ii) budgeted at a higher level than their own level. Such period may be part of the one year required by subsection 4 (a) above;

(c) They have demonstrated their ability to fully meet performance expectations in all the functions of the higher-level post.

Section 5
Consideration and decision

5.1 The executive office or local personnel office shall ensure that the following documentation is assembled before a request for SPA is considered:

(a) The request for SPA, which may be initiated by the staff member or his or her supervisor;

(b) A statement from the supervisor indicating when the staff member took up the full functions of the higher-level post and whether the staff member has demonstrated his or her ability to fully meet the performance expectations of all functions of the post;

(c) A classified job description of the higher-level post;

(d) An explanation of how the vacancy occurred and the status of the vacancy, i.e., whether the post is temporarily vacant or vacant, as defined in section 1.2 above, as well as progress made in filling a vacant post;

(e) A justification for the selection of a recommended staff member, including evidence that the department or office concerned has informed its staff of the temporary vacancy and has reviewed all eligible candidates who have expressed interest in assuming higher-level functions in accordance with sections 2.4 of ST/AI/1999/8 and 2.2 of ST/AI/1999/9. Such justification is not necessary in cases of a request for SPA for the incumbent of a post reclassified to a higher level.

5.2 In accordance with section 6 of ST/AI/1999/1, the head of department or office shall make the decision on granting an SPA. Decisions on requests for SPA to the D-2 level shall be taken by the head of department or office after consultation with the Assistant Secretary-General for Human Resources Management.

5.3 Decisions on requests for SPA up to and including the D-1 level shall require the advice of a joint departmental panel (SPA panel). Where joint departmental panels already exist for other purposes, such as recruitment, placement and promotion, they may serve as SPA panels. At duty stations where, in accordance with section 7.7 of ST/AI/1999/8, there

has been agreement of management and staff that cases are to be submitted directly to the local appointment and promotion bodies, these bodies may serve as SPA panels.

5.4 In all cases, the SPA panel shall comprise:

(a) One or more officials appointed by the head of department or office;

(b) An equal number of representatives designated by the staff of the department or office, at an appropriate level, depending on the level of the SPA requested;

(c) An ex officio representative from the Office of Human Resources Management or the local personnel office.

5.5 The head of department or office shall ensure that the departmental focal point for women, ex officio, shall be invited to attend the meetings of the panel, in accordance with subsection 4.4 (b) of ST/AI/1999/9.

Section 6
Effective date of SPAs

6.1 The earliest date from which an SPA may be paid shall normally be the beginning of the fourth month of service at the higher level. Exceptionally, an SPA may be paid as of the date when the staff member has assumed the higher-level functions in the following cases, provided that the staff member has discharged those functions for a period exceeding three months, in accordance with subsection 4 (b) above:

(a) When a staff member has assumed the functions of a post classified more than one level above his or her level;

(b) When a staff member has assumed higher-level functions in a mission;

(c) When a staff member in the General Service or related categories has assumed the functions of a post in the Professional category, subject to the special conditions set out in section 10 below.

6.2 Notwithstanding the provisions of section 6.1 above, the effective date of an SPA may not predate either:

(a) The original request for an SPA by more than one year;

or:

(b) The effective date of the classification decision in cases of upwards classification of the post.

Section 7
Duration and extension of SPAs

7.1 SPAs shall be granted for a specific period determined in accordance with the provisions of the present section.

SPA for assignment to a temporarily vacant post

7.2 When an SPA is granted to a higher-level post which is temporarily vacant, it may be granted for an initial period of up to one year.

7.3 The SPA may be extended by the department or office without reference to the SPA panel to cover a total period of up to two years, including the initial period, upon the supervisor's certification that the staff member continues to satisfactorily perform the full functions of the higher-level post.

SPA for assignment to a vacant post or a post reclassified at a higher level

7.4 When an SPA is granted to a staff member temporarily placed against a higher-level vacant post or a post reclassified at a higher level, the SPA may be granted for an initial period of up to three months.

7.5 Any extension beyond the initial period shall require resubmission to the SPA panel, with justification based on the progress made in filling of the post and certification by the supervisor that the staff member has continued to satisfactorily perform the full functions of the higher-level post. Extensions may be given for periods of up to three months at a time only.

Section 8
Discontinuance of SPA

8.1 An SPA shall be discontinued:

(a) From the date on which the staff member ceases to perform the full functions of the higher-level post. For staff in receipt of an SPA while on mission assignment, that date shall be the date of departure from the mission area;

or:

(b) When the staff member is absent on any type of leave for a period of three months or longer. In that case, the SPA shall be discontinued as of the first day of the leave period.

8.2 When an SPA is discontinued, the staff member will revert to his or her regular salary level. The time during which the higher salary was paid will be credited as service for the purpose of determining the date of the next salary increment at the regular level.

Section 9
Computation of SPA

9.1 The SPA shall be computed in the same manner as in the case of a promotion, under staff rule 103.9.

9.2 The elements affected by an SPA, where applicable, are: base salary, staff assessment, post adjustment, dependency allowance, mobility and hardship allowance, medical and dental insurance premiums and subsidies, language allowance, overtime compensation, night differential, daily subsistence allowance and rental subsidy.

9.3 The elements not affected by an SPA are: contributions to the United Nations Joint Staff Pension Fund, termination indemnity, commutation of annual leave, payment of compensation under appendix D to the Staff Rules, life insurance premium, repatriation grant, and surviving dependants' benefits under staff rule 109.10.

Section 10
Special provisions concerning staff in the General Service and related categories assigned to the functions of a post in the Professional category

10.1 Temporary assignment of a staff member in the General Service or related categories to the functions of a post in the Professional category shall normally be limited to mission posts at the P-1 or P-2 levels and to posts temporarily vacant because the incumbent is on mission detail or special leave without pay.

10.2 Exceptionally, a staff member in the General Service or related category may be temporarily assigned to a vacant post at the P-1 or P-2 level pending recruitment of a

candidate successful in a competitive examination. Such exception requires prior approval of the Office of Human Resources Management.

10.3 An SPA to the Professional level does not affect the status of locally recruited staff members. However, if the SPA is granted on the basis of a temporary assignment away from the regular duty station, an entitlement to education grant and mobility and hardship allowance may arise under conditions specified in the administrative instructions governing those entitlements.

10.4 Staff members in receipt of an SPA to the Professional category shall not be entitled to compensation for overtime in accordance with staff rule 103.12 (a) while serving at the Professional level.

10.5 Staff members in receipt of an SPA to the Professional category are not entitled to receive accelerated increments, which are limited to staff recruited under the system of desirable ranges.

10.6 If a staff member passes a language proficiency examination while in receipt of an SPA to the Professional category and would have received a language allowance under the applicable administrative instruction on language proficiency and language incentives, the amount of the SPA shall be recalculated accordingly.

Section 11
Final provisions

11.1 The present administrative instruction shall enter into force on 1 January 2000.

11.2 Administrative instruction ST/AI/276 is hereby abolished.

(*Signed*) Joseph E. **Connor**
Under-Secretary-General for Management